



DONALD L. WOLFE, Director

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

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IN REPLY PLEASE

REFER TO FILE: **PD-1**

September 19, 2006

TO: Each Supervisor

FROM: Donald L. Wolfe
Director of Public Works

ALAMEDA CORRIDOR-EAST CONSTRUCTION AUTHORITY REGULAR BOARD MEETING-AUGUST 28, 2006

On August 28, 2006, my staff attended the regular Board meeting of the Alameda Corridor-East Construction Authority (ACE). A copy of the agenda and adopted minutes of the July 24, 2006, regular Board meeting are attached. The following items were discussed at the meeting, which are of interest to the County.

Agenda Item VI- The Chief Executive Officer reported on the progress of construction activities for the Ramona Boulevard Grade Separation project, Temple Avenue Train Diversion project, East End/Reservoir Grade Separation project, and Brea Canyon Grade Separation project.

Agenda Item VII- The Board adopted staff's recommendation to award the construction contract for the Sunset Avenue Grade Separation project to Atkinson Contractors, LP (Atkinson), the low bidder, in an amount not to exceed \$41,938,421.50.

In accordance with the revised Federal Race Neutral Disadvantaged Business Enterprise (DBE) program, there was a DBE Availability Advisory of ten percent for this contract. Atkinson is not required to submit its anticipated DBE participation until the contract is awarded. Construction is expected to start in October 2006, and it will take approximately three years to complete.

Agenda Item IX- Staff provided the Board, for informational purposes, an analysis of Proposition 90 that has been placed on the November 2006 Election Ballot. This measure would amend the California Constitution pertaining to the use of eminent domain by State and local agencies. This measure would require government agencies

Each Supervisor
September 19, 2006
Page 2

to pay property owners for economic losses resulting from new laws and rules, and it would limit government authority to take ownership of private property. Proposition 90 would have significant impact on the cost and/or time of implementing ACE projects.

The next Board meeting will be held on September 25, 2006, at 2 p.m., at the Irwindale City Hall Council Chambers.

AU:rr

C070207

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Attach.

cc: Chief Administrative Office
Executive Office



Alameda Corridor-East Construction Authority

4900 Rivergrade Rd. Ste. A120 Irwindale, CA 91706 (626) 962-9292 fax (626) 962-3552 www.theaceproject.org

REGULAR MEETING AGENDA

Monday, August 28, 2006 – 2:00 P.M.

Irwindale City Hall – Council Chambers

5050 Irwindale Avenue

Irwindale, CA 91706

Members of the public may comment on any item on the agenda at the time it is taken up by the Board. We ask that members of the public come forward to be recognized by the Chair and keep their remarks brief. If several persons wish to address the Board on a single item, the Chair may impose a three-minute time limit on individual remarks at the beginning of the discussion.

- | | | |
|------------------------|--|-----------------|
| I. | Roll Call and Introductions | |
| II. | Pledge of Allegiance | |
| III. | Approval of Minutes of Meeting of July 24, 2006 (Pages 1-3) | Action |
| IV. | Public Comment | |
| V. | Chairman's Remarks | Information |
| VI. | Chief Executive Officer's Report (Pages 4-16) | Information |
| VII. | Approval of Sunset Avenue Grade Separation Construction Contract (Pages 17-18) | Action |
| <i>No Action</i> VIII. | Approval of SGVCOG Bylaw Amendments (Pages 19-20) | Action |
| IX. | State Eminent Domain Ballot Measure (Prop. 90) (Pages 21-22) | Information |
| X. | Compensation of Chief Executive Officer | Possible Action |
| XI. | Real Estate Program Update | Information |
| <i>No Action</i> XII. | Closed Session for a Conference with Real Property Negotiators: The Board will adjourn to closed session in accordance with Government Code 54956.8 to discuss:
Property address: 11126 Ramona Blvd., El Monte, CA 91731
Agency Negotiator: Mark Mendoza, Paragon Partners
Negotiating Parties: ACE Construction Authority & David Kang
Under Negotiation: Price & Terms | Possible Action |
| XII. | Adjournment | Action |

The ACE Construction Authority is currently constituted of seven (7) member jurisdiction; the Cities of El Monte, Industry, Montebello, San Gabriel and Pomona, the County of Los Angeles and the San Gabriel Valley Council of Governments. A San Bernardino County Council of Governments representative is an ex-officio Board member.

Each member or alternate has one vote. A quorum of the ACE Construction Authority is no less than four (4) of its total voting membership. Actions taken by the ACE Construction Authority shall be by simple majority of the members present with a quorum in attendance except for personnel actions, the annual budget, matters dealing with the Administrative Code or matters requiring subsequent approval by the SGVCOG, all of which shall require five (5) votes.



**ACE Construction Authority
Regular Board Meeting
July 24, 2006
Minutes**

The Chair called the meeting to order at the Irwindale City Hall at 2:00 PM.

1. In attendance were:

Ernest Gutierrez, Chair, El Monte
George Hunter, Pomona
Phil Marcellin, Industry
Bob Bagwell, Montebello
David Gutierrez, San Gabriel
Steve Johnson, La Verne, SGVCOG
Gloria Molina, Los Angeles County

Staff

Rick Richmond, Chief Executive Officer
Joe Silvey, Legal Counsel
Sharon Neely, staff
Bruce Armistead, staff
Lou Cluster, staff
Cynthia Ambrose, staff
Girish Roy, staff
Deanna Stanley, staff

Guests

Preston Kelly, Jacobs Engineering
David Varnam, Congressman Gary Miller
Manuel Saucedo, Senator Nell Soto
Nicole Shehenian, Congresswoman Hilda Solis

2. Pledge of Allegiance

Member Hunter led the pledge of allegiance.

3. Approval of Minutes of June 26, 2006

A motion was made to approve the meeting minutes of June 26, 2006.
M/S/C: Hunter/Marcellin/Unanimous

4. Public Comments

There were no public comments.

5. Chairman's Report

Chairman Gutierrez announced that a letter was sent to the Federal Surface Transportation Policy and Revenue Study Commission regarding the recently established SAFETEA-LU legislation asking consideration to holding a hearing in

Southern California. The Chairman also reported that the San Gabriel Valley Council of Governments is still revising the By-laws and the ACE Board will review the sections that affect the Authority at its next meeting.

6. Chief Executive Officer's Report

Mr. Richmond referenced his report beginning on page 7 of the agenda. He indicated the quarterly environmental mitigation reports were included and there were no issues of any significance this quarter. He also indicated that on July 20 six bids were received for the construction of the Sunset Avenue grade separation and staff was reviewing the bid packages for responsiveness with no obvious errors noted to date. He indicated staff would present a recommendation for award at the August meeting. Lou Cluster, Senior Project Manager reviewed progress photos of the Ramona Blvd. grade separation project. George Nomura, Bechtel Program Manager, reviewed the program management activities for the past month. There were no questions.

7. Approval of Sale of Excess Property at Nogales St. & Valley Blvd. to CGM Development, Inc.

Mr. Richmond reviewed the history and the process of the sale of the excess property at Nogales and Valley. He indicated the property was advertised for sale and discussions have been underway with a developer of medical offices for the asking price. Member Molina indicated her preference for affordable housing and asked Mr. Richmond to better clarify the process. Ms. Molina indicated she would not support staff's recommendation.

A motion was made to authorize the Chief Executive Officer to execute all necessary documents for the sale of 5.05 acres of surplus property at Nogales and Valley in the City of West Covina to CGM West Covina, LLC for \$5,145,000.
M/S/C: Marcellin/E Gutierrez/Molina Naye/Approved

8. Quarterly Project Status Report

Mr. Richmond reviewed the costs, schedule and accomplishments of the past quarter. Mr. Richmond indicated there was an increase of \$7.9 million from last quarter due to Temple Avenue 4th track additional costs (\$3.3M); Brea Canyon Road utility relocation, design support during construction and right-of-way (\$1.5M) and Sunset Avenue right of way and assumption of normal railroad contribution (\$3.1M). He reviewed the construction progress at Reservoir which included the completion of the UPRR bridge; mass excavation and construction of First Street abutments and continued work on the pump station. Ramona Metrolink shoofly completed; work started on the pump station and bridge excavations as well as construction continued on the retaining wall. Temple Avenue SR-57 pier protection continued and soundwall installations at Lanterman Development Center continued. The construction package for the Sunset Ave grade separation was re-bid. Lastly, utility relocations were

underway at Brea Canyon Road. Schedule delays were discussed. Chairman Gutierrez indicated a concern from delays in utility relocation at Ramona Blvd. He suggested a meeting with AT&T be set up to discuss the matter.

9. Quarterly Financial Status Report

Chip Conway reviewed the budget versus accrued actuals for the project. He reviewed the cash expenditures and expenditures versus receipts by project. Mr. Conway also reviewed the investments.

10. Community Outreach Presentation

Sharon Neely reviewed the elements of the community outreach program. She highlighted the goals of the program emphasizing the importance of keeping the community informed. She reviewed the various means of distributing construction information to affected residences and businesses. She outlined the successes of the safety and business programs. She also reviewed the pre-construction video surveying of properties for reference in the event of claims. Ms. Neely reminded the Board that project fact sheets were updated quarterly and were also available on the website in several languages.

11. Compensation of Chief Executive Officer

Chairman Gutierrez indicated this item would be held over to the next Board meeting.

12. Closed Session

Mr. Silvey announced the Board would adjourn to closed session in accordance with Government Code Section 54956.8 to discuss real property negotiations for two properties: 127 N. California Avenue in the City of Industry and 21035 Washington Avenue in the City of Diamond Bar.

The Board reconvened from closed session and Mr. Silvey announced there was no action taken which needed to be reported.

13. Adjournment

A motion was made to adjourn at 2:57PM.



Alameda Corridor-East Construction Authority

4900 Rivergrade Rd. Ste. A120 Irwindale, CA 91706 (626) 962-9292 fax (626) 962-3552 www.theaceproject.org

MEMO TO: ACE Construction Authority Board Members & Alternates

FROM: Rick Richmond
Chief Executive Officer

DATE: August 28, 2006

SUBJECT: CEO Report

The following are items of note since the last meeting:

Southern California Leadership Council Goods Movement Meeting – At the initiative of the Los Angeles Economic Development Corporation (LAEDC), a group of business leaders has formed the Southern California leadership council for purposes of supporting economic development and job creation. Goods movement is one of their emphasis areas. Staff participated. At an August 17 meeting convened by the Leadership Council to discuss how the California Public Utilities Commission, utilities and the railroads could work together to streamline the implementation of goods movement projects, specifically grade separations. I reviewed our experience and suggested ways the process could be improved.

Senator Feinstein Goods Movement Meetings – The Senator's staff convened a third meeting in early August with key stakeholders to discuss what could be done at the federal level to enhance goods movement and congestion relief. It is anticipated that a list of recommendations will be finalized for a meeting with the Senator. Staff will provide an update as warranted.

DBE Program Update – ACE Construction Authority participated in the California Construction Expo 2006 at the Los Angeles Convention Center on August 17, 2006 to promote project awareness. The event was well attended, with more than 1,200 participants.

Community Outreach Update - Staff has conducted the following project outreach activities:

1. Distribute more than 6,600 construction alert notices in English, Spanish and Chinese to emergency service responders, schools, Metrolink commuters as well as to affected businesses and residents regarding weekend road closure and lane restrictions for the Brea Canyon Road grade separation project;

2. Distribute construction alert notices in English and Spanish to residents and businesses regarding excavation, haul routes and pile-drilling for the Ramona Boulevard grade separation project;
3. Brief Walnut Unified School District officials and parents regarding weekend road closure and lane restrictions for the Brea Canyon Road grade separation project and coordinate distribution of notices and safety kits at seven area schools;
4. Distribute media advisory in English, Spanish and Chinese regarding weekend road closure and lane restrictions for the Brea Canyon Road grade separation project;
5. Conduct ongoing business support program and community outreach activities for the Brea Canyon Road, Reservoir Street/East End Avenue, Ramona Boulevard and Temple Avenue projects.

Contracting – Our Administrative Code delegates to the CEO the authority to approve new contracts or change orders for Board-approved contracts within certain limits, with a requirement that I report to the Board any such contract action. Below is a list of such contract actions since the last report that have not been separately approved by the Board.

<u>Contractor</u>	<u>Reason for Change</u>	<u>Previous Value</u>	<u>Change Amount</u>
EVA Signal Corporation	Additional work needed to pothole utilities during repair of signal cable damaged by UPRR	\$1,050,743	\$1,000

Construction Progress Reports – Attached are construction progress reports on East End Ave., Reservoir St., Ramona Ave. and Temple Ave. projects.

Program Management Monthly Report - The Bechtel/Korve program management support activities for the last month is attached.

**ALAMEDA CORRIDOR EAST
PROJECT STATUS REPORT
RAMONA BLVD. GRADE SEPARATION**



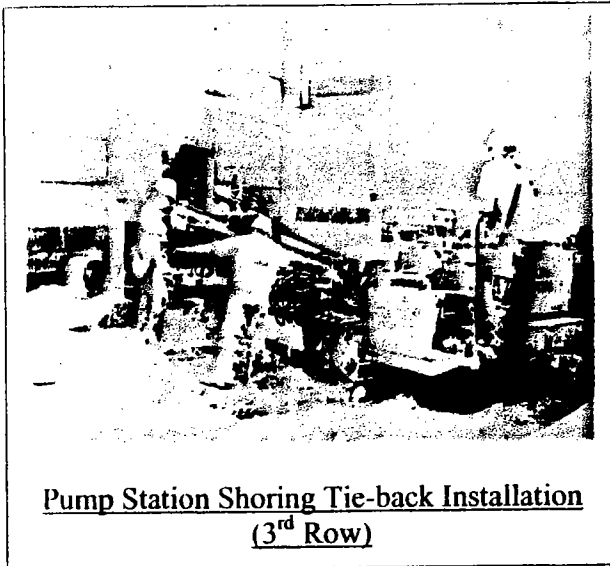
For the Month: **July 2006**

Scope:	Construct a grade separation at Ramona Blvd. in the City of El Monte
Contractor:	Brutoco Engineering & Construction, Inc.
Construction Manager:	Lim & Nascimento Engineering (LAN)
Contract Award:	September 27, 2004
Notice to Proceed:	December 15, 2004
Estimated Contract Completion:	February 14, 2008

Project Milestone Summary	Estimated Start	Estimated Completion	% Complete
Install Storm Drain System	May 2005	October 2007	66%
Install Water Line	September 2005	November 2007	21%
Prepare Shoofly	July 2005	December 2006	68%
Construct UPRR bridge foundations	October 2006	October 2006	
Construct UPRR bridge superstructure	May 2005	June 2007	27%
Construct Future UPRR bridge foundations	June 2007	September 2007	
Construct Metrolink bridge foundations	September 2006	November 2006	
Construct Metrolink bridge superstructure	September 2005	June 2007	48%
Build Pump Station	December 2005	April 2007	27%
Construct Retaining Walls	August 2005	November 2007	19%
Ramona Blvd. Civil Work	April 2005	February 2008	32%
Open to public		February 2008	
Complete Landscaping/Irrigation	December 2006	February 2008	

Financial Summary	
Original Contract Value	\$ 17,721,474.85
C.O.s Approved This Month	\$ 989,895.13
C.O.s Approved to Date	\$ 1,404,679.82
Current Contract Value	\$ 19,126,154.67
Total Earned to Date	\$6,032,997.53

RAMONA BOULEVARD GRADE SEPARATION PROJECT



STAGE 2 WORK CONTINUES ON ABANDONMENT OF THE UNDERGROUND FIBER OPTIC TELEPHONE LINES, SCHEDULED TO COMPLETE BY SEPTEMBER 18, 2006.

STAGE 3 WORK CONTINUES WITH RETAINING WALLS 3 & 4 DRAINAGE AND BACKFILLING OPERATIONS FROM STA 306+35 TO 309+84.

PUMP STATION WORK CONTINUES WITH EXCAVATION AND SHORING INSTALLATION. THIS WORK IS SCHEDULED TO COMPLETE AUGUST 4, 2006.

CONTRACTOR **BRUTOCO CONSTRUCTION**

CONTRACT AWARD **DECEMBER 2004**
COMPLETION **FEBRUARY 2008**

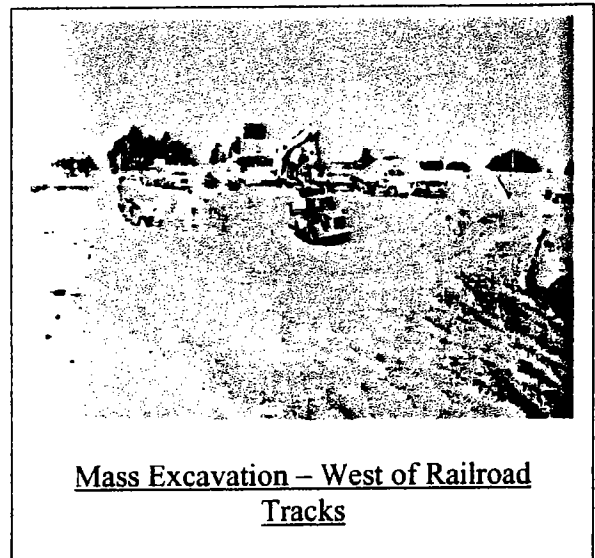
ORIGINAL CONTRACT **\$ 17,721,475**
CHANGE ORDERS **\$ 1,404,680**
TOTAL CONTRACT **\$ 18,136,260**

EARNED TO DATE **\$ 6,032,998**

CURRENT STAGE OF WORK

STAGE 2 ABANDON U/G PHONE LINES

**STAGE 3 RW 3&4 DRAINAGE & BACKFILL
PUMP STATION EXCAVATION**



IAN ENGINEERING
CORPORATION
CONSTRUCTION MANAGEMENT SOLUTIONS

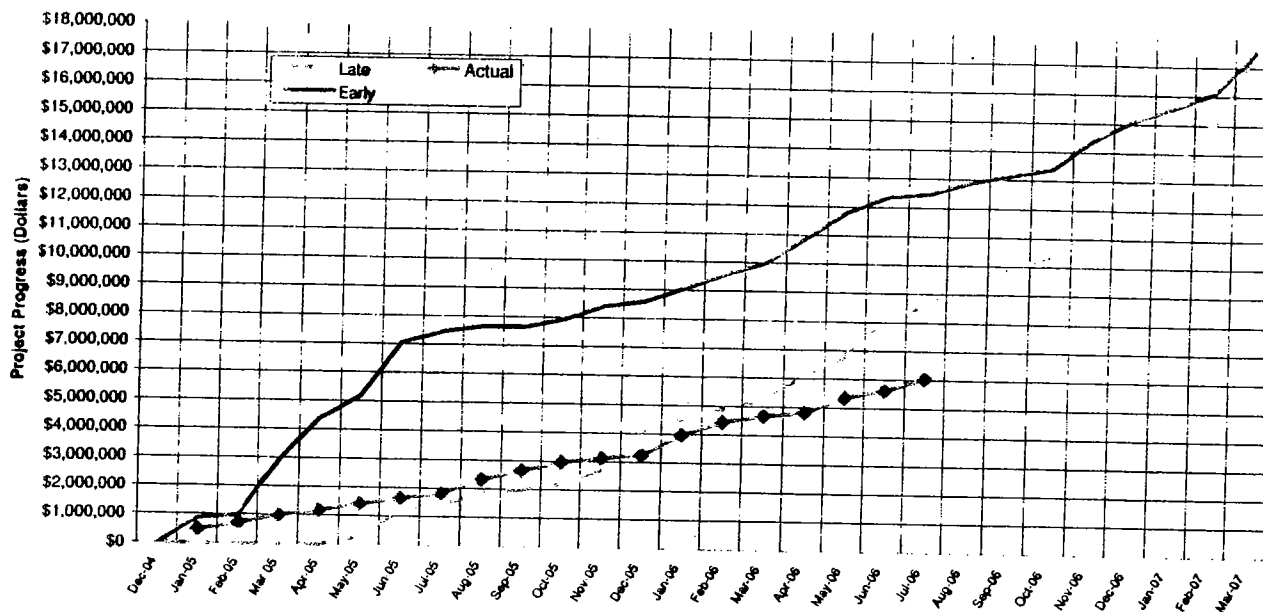
JULY 2006

ALAMEDA CORRIDOR EAST
 PHYSICAL PROGRESS MEASUREMENT
 RAMONA BLVD. GRADE SEPARATION

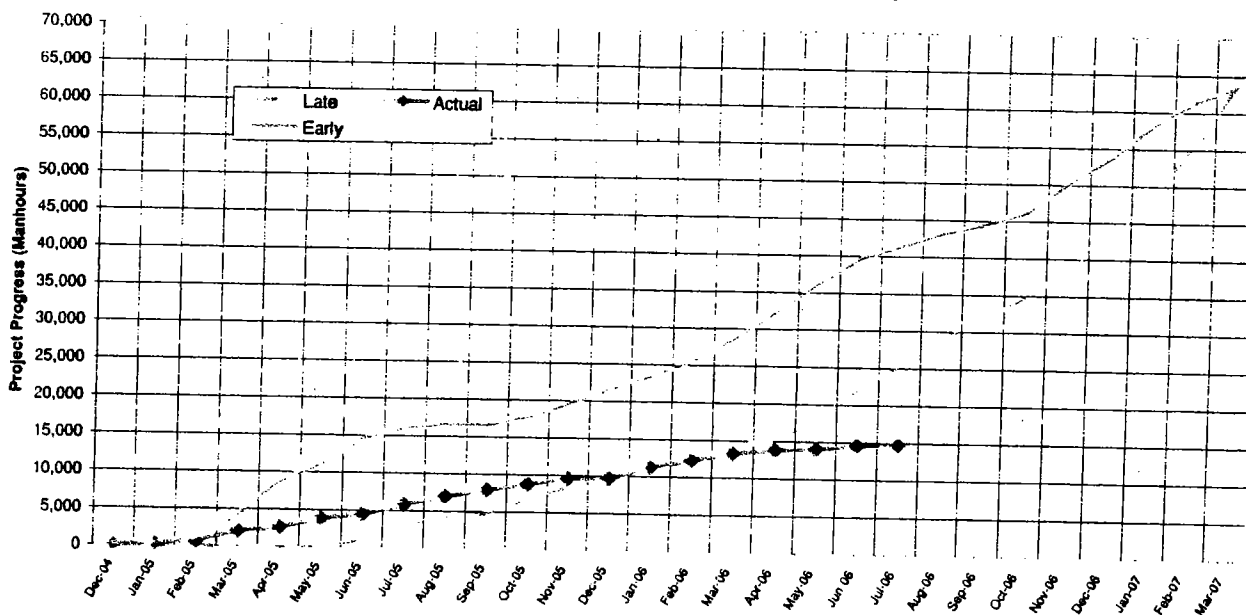


For the Month : July 2006

**Ramona Blvd. Construction
 Total Project Progress
 (Based On Earned Revenue and Accepted Baseline)**



**Ramona Blvd. Construction
 Total Project Progress
 (Based On Earned Manhours and Accepted Baseline)**



ALAMEDA CORRIDOR EAST
PROJECT STATUS REPORT
TEMPLE AVENUE TRAIN DIVERSION PROJECT

For the Month: **July, 2006**

Scope:	For 3 rd Mainline Construct 3 new railroad bridges and 1 new traffic bridge; widen 3 existing railroad bridges; grade for new track bed and modifications of existing track beds; construct sound walls, retaining walls, and pier protection walls; install utilities or modify existing utilities; rehabilitate existing LDC well; and, construct new Audiology Clinic for Lanterman Developmental Center. For 4 th Mainline Construct 1 new traffic bridge; grade for new track bed; retaining walls, and pier protection walls; and modify existing utilities;
Contractor:	Yeager Skanska, Inc.
Construction Manager:	Parsons Brinckerhoff Construction Services, Inc. (PBCS)
Contract Award:	January, 2005
Notice to Proceed:	May 2, 2005
4 th Track Construction Start:	August 29, 2007
Anticipated Completion:	August 29, 2007

Reservoir Schedule Summary	Estimated Start	Estimated Completion	% Complete
SPADRA FARM EMBANKMENT & BRIDGES	May, 2005	April, 2006	97%
LA SUBDIVISION EMBANKMENT	October, 2005	March, 2006	80%
LA SUBDIVISION STRUCTURES	October, 2005	August 2007	20%
LANTERMAN AUDIOLOGY LAB	May, 2005	August, 2006	98%
ALHAMBRA SUB PASSING SIDING	May, 2005	DELETING*	10%
4TH TRACK CN 10 STRUCTURES	August, 2006	August 2007	0%
4TH TRACK CN 10 EMBANKMENT	August, 2006	August 2007	2%

Financial Summary			
Original Contract Value	\$24,389,743		
C.O.s Approved This Month	\$ 4,274,561		
C.O.s Approved to Date	\$ 1,149,819		
Current Contract Value	\$29,814,123		
Current Paid to Date	\$1,9752,486		74%

TEMPLE AVENUE TRAIN DIVERSION PROJECT

CONTRACTOR	YEAGER-SKANSKA	<ul style="list-style-type: none"> PUNCHLIST SOUNDWALLS AUDIOLOGY LAB NO WORK RESOLVING CO REQUESTS. COMPLETE REDESIGN BRIDGE 29.38.
CONTRACT AWARD	JANUARY 2005	UPCOMING WORK NEXT MONTH
LIMITED NTP	MARCH 2005	
NTP	MAY, 2, 2005	
COMPLETION	MAY 2, 2007	
REVISED COMPLETION	AUGUST 29, 2007	
ORIGINAL CONTRACT VALUE	\$24,389,743	<ul style="list-style-type: none"> COMPLETE RETAIN WALL #1 CONCRETE DRAIN DITCH COMPLETE PIER PROTECTION COMPLETE SR-57 START TEMPLE PIER PROTECTION & RETAIN WALL COMPLETE CULVERT AT HUMANE WAY. START BRIDGE 29.12. START BRIDGE 28.22 SHORING.
CHANGE ORDERS THIS MONTH	\$4,274,561	
AMENDED CONTRACT VALUE	\$29,814,123	
EARNED TO DATE	\$19,752,486	

PROGRESS SUMMARY

• SPADRA FARM EMBANKMENT & BRIDGES	97%
• LA SUBDIVISION EMBANKMENT	80%
• LA SUBDIVISION STRUCTURES	20%
• LANTERMAN AUDIOLOGY LAB	98%
• ALHAMBRA SUB PASSING SIDING (10%)	DELETING
• 4 TH TRACK CN 10 STRUCTURES	0%
• 4 TH TRACK CN 10 EMBANKMENT	2%

SAFETY AND SECURITY ISSUES:

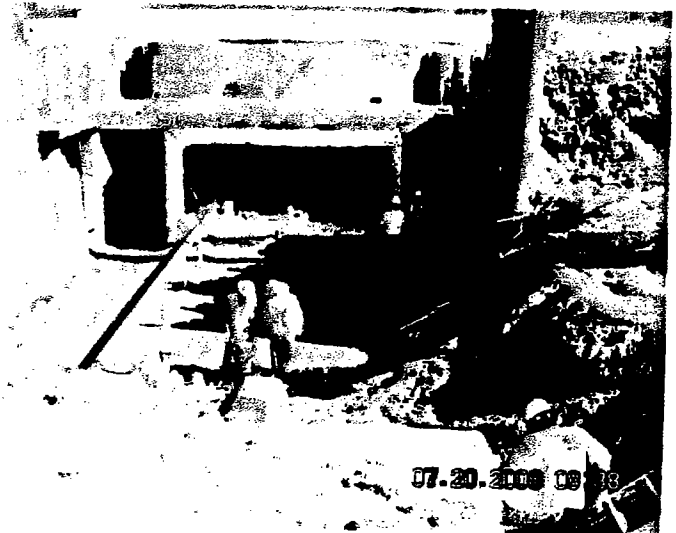
SAFETY:

• TIME LOST INJURY STATUS	NONE REPORTED
• INCIDENTS THIS MONTH	NONE REPORTED

SECURITY: LDC ASKED THAT GATES REMAIN CLOSED

INITIAL EVENT REPORTS:

NOTHING TO REPORT



Extending Box Culvert Located West of Humane Way

WORK ACCOMPLISHED THIS MONTH

- CONTINUE CONCRETE DRAIN DITCH NEXT TO RETAINING RETAIN WALL 1
- CONTINUE SR-57 PIER PROTECTION & RETAIN WALL. (ON HOLD CALTRANS PERMIT ISSUE; RESOLVED)
- CONTINUE STORM DRAIN CULVERT UNDER SR 71
- CONTINUE CULVERT 29.59 EXTENSION (HUMANE)



**ALAMEDA CORRIDOR EAST
PROJECT STATUS REPORT
EAST END/ RESERVOIR GRADE SEPARATIONS**

For the Month: **July, 2006**

Scope:	Construct two railroad and two roadway bridges to grade separate the East End and Reservoir roadways from the railroad.
Contractor:	Ortiz Enterprises, Inc.
Construction Manager:	Parsons Brinckerhoff Construction Services, Inc. (PBCS)
Contract Award:	March, 2004
Notice to Proceed:	June, 2004
Estimated Completion:	Reservoir – December 2006 East End – April, 2008

Reservoir Schedule Summary	Estimated Start	Estimated Completion	% Complete
Reservoir utility	June 2004	July 2006	99%
Close Reservoir/construct shoofly grade	September 2004	September 2004	100%
UPRR shoofly construction	September 2004	January 2005	100%
Railroad bridge construction	February 2005	February 2006	100%
lower streets/construct retaining walls	August 2005	December 2006	55%
1 st Street bridge construction	March 2006	October 2006	25%
Open 1 st Street to traffic	January 2007		
Open Reservoir Street to traffic	December 2006		
East End Schedule Summary			
East End utility relocations	June 2005	June 2007	5%
Shoofly construction for East End	September 2005	December 2006	25%

Financial Summary			
Original Contract Value	\$30,208,600		
C.O.s Approved This Month	\$103,044		
C.O.s Approved thru This Month	\$1,418,512		
Current Contract Value	\$31,627,112		
Invoiced to Date (% of revised contract)	\$13,649,790		44%

EAST END / RESERVOIR GRADE SEPARATION PROJECT

CONTRACTOR	ORTIZ
CONTRACT AWARD	MARCH 2004
NTP	JUNE 2004
MILESTONE TO REOPEN RESERVOIR	DECEMBER 2006
ORIGINAL COMPLETION	AUGUST 2007
REVISED COMPLETION	APRIL 2008
ORIGINAL CONTRACT VALUE	\$30,208,600
CHANGE ORDERS THIS MONTH	\$0
AMENDED CONTRACT VALUE	\$31,524,067
EARNED TO DATE	\$12,744,592

- UTILITIES; SCE INSTALL UNDERGROUND CONDUIT, NO RELOCATION UNTIL EAST SIDE OF STREET LOWERED
- VERIZON CONDUIT INSTALLED, NO CABLING UNTIL 12/06
- NO CONTRACTOR WORK.

UPCOMING WORK NEXT MONTH

- CONTINUE 1ST STREET DECK
- CONTINUE ROADWAY&LIFT STATION RW' CONSTRUCTION

PROGRESS SUMMARY

- RESERVOIR CONTRACT UTILITY RELOCATIONS: 99%
- RESERVOIR RAILROAD BRIDGE: 100%
- ROADWAY EXCAVATION 90%
- PRICE STREET RETAIN WALLS: 100%
- RESERVOIR & LIFT STATION RETAIN WALLS 55%
- 1ST STREET BRIDGE @ RESERVOIR 25%

SAFETY AND SECURITY ISSUES:

SAFETY:

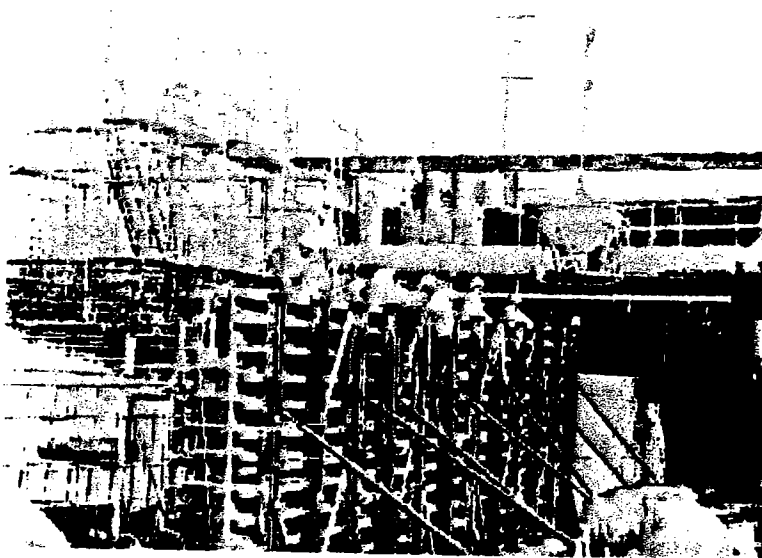
- TIME LOST INJURY STATUS NONE
- INCIDENTS THIS MONTH NONE

SECURITY:

NOTHING TO REPORT

INITIAL EVENT REPORTS:

NOTHING TO REPORT



ROADWAY RETAINING WALL EAST OF LIFT STATION

WORK ACCOMPLISHED THIS MONTH

- CONTINUE CONSTRUCTION RESERVOIR ROADWAY RETAINING WALLS
- CONTINUE LIFT STATION WALLS CONSTRUCTION
- COMPLETED SD SYSTEM IN RESERVOIR & MONTEREY
- START ROADWAY GRADING
- CRUSH AND SPREAD ROADWAY BASE
- START 1ST STREET BRIDGE DECK

EAST END



EAST END / RESERVOIR GRADE SEPARATION PROJECT



LIFT STATION STORM MANHOLE

MONTHLY PROGRESS REPORT
ALAMEDA CORRIDOR-EAST PROGRAM MANAGEMENT SERVICES
PERIOD ENDING 7/31/06

This report summarizes activities undertaken between July 1 and July 31, 2006.

OVERVIEW:

Work is proceeding on project implementation on several fronts, with an emphasis on:

- IRRIS system is being monitored and evaluated. Remedial work for EVA train detection sensors and system to conform to specifications is in process. Testing of the first remedial site work was completed successfully. Remedial work for the remaining sites are continuing.
- Sunset Avenue Grade Separation Project – Continuing right-of-way acquisitions for the project. Continued utility relocation coordination with the agencies. Completed utility relocation for fiber optic lines. Construction contract bids were opened on July 20, 2006. The ACE Board is expected to approve the award of the contract to Atkinson Contractors, LP on August 28, 2006.
- Brea Canyon Road Grade Separation Project – Continued utility relocation coordination with the agencies. Walnut Valley Water District and the Gas Company continued relocation of their facilities and expected to be completed by mid August 2006. Full NTP was given to Griffith Company on July 5, 2006. Griffith Company completed construction of temporary parking for Shea and Hartleib properties, completed sound wall on Shea property and grading for the shoofly area.
- At the Ramona Boulevard grade separation project SBC continued relocation of their underground copper and fiber communication lines. The contractor continued deep excavation for the pumphouse and tie-backs for excavation shoring.
- For the East End and Reservoir contract, the railroad is operating on the completed UPRR bridge at Reservoir. Roadway excavation and retaining walls at Reservoir is continuing. Utility work at East End Avenue is in progress. Continued construction of 1st Street bridge over Reservoir Street.
- At the Nogales Street underpass project contract closeout and final quantity change orders are being negotiated. Sale of excess property to a private developer is being negotiated concurrent with municipal planning review of development proposals.
- The Temple Ave Train Diversion construction completed SR-57 pier protection work and storm drain box culvert at SR-71. Continued with installation soundwalls along Lanterman Development Center. Continued utility encasement work at various locations. The Audiology building construction is nearing completion at the Lanterman Development Center. Design is progressing for the UPRR 4th Track construction and negotiations have been completed for the first set of associated changes with Yeager-Skanska. A new construction contract for remaining civil related 4th Track work is scheduled for advertisement of bids in the fall of 2006.
- Continued coordination and review of the Ramona, Reservoir, Brea Canyon and Sunset Avenue project construction interface schedules with UPRR.
- Community outreach activities continued for various projects.

BUDGET/SCHEDULE

Work is currently proceeding within schedule and budget.

COMPLETED AND ONGOING WORK ACTIVITIES

PROGRAM MANAGEMENT SCOPE

I. General Program Management & Administration Service:

A. Management and Administration

- Provided direction to PM team for accomplishment of tasks.
- Maintained progress on tasks.
- Submitted monthly invoice.
- Prepared various cost and budget reports.
- Updated detailed project schedule.

B. Procurement

- Continued review and processing of active contract changes and documentation for the Temple Train Diversion, Reservoir St., Ramona Blvd and Nogales grade separation projects.
- Bid opening occurred for the Sunset Avenue Project construction on July 20, 2006. The bids were evaluated and contract award is scheduled for August 2006.
- On the Brea Canyon Project full NTP was issued on July 5, 2006.
- Began preparation of bid documents for the Temple 4th Track project.

C. Quality Control Program/Value Engineering

- No activities

D. Utility Program Management

- Ongoing planning and coordination with major utility companies.
- Continued utility relocations for the Brea Canyon Grade Separation Project.
- Continued with relocation of utilities for the Sunset Avenue Project.
- Continued with relocation of utilities for the East End/Reservoir Project.

E. Environmental Program

- Continued Mitigation Monitoring and Reporting Programs.
- IS/EA draft report for San Gabriel Rail lowering project completed. Currently being edited based on Caltrans/FHWA comments.

F. Permitting Support

- Planning for permits from regulatory agencies.
- A petition to modify ACE's CPUC authority to build the Sunset Avenue project was filed to include adding a bridge and drill track grade crossing at Orange Avenue. Final grade crossing designs are under review by CPUC staff, the project team and UPRR.
- CPUC's approved ACE's second amendment to its authorization for the Brea Canyon Road project, which further detailed grade crossing operations at the temporary Metrolink access road during shoofly track cutovers.

G. Public Outreach

- Distribute construction alert notices in English and Chinese regarding commencement of Brea Canyon Road grade separation project and coordinate briefings for affected businesses and property owners.
- Distribute construction alert notices regarding utility undergrounding work on Currier Road and regarding property demolition work for the Brea Canyon Road grade separation project.

- Distribute construction alert notices in English and Spanish regarding extension of road closure for Reservoir Street grade separation project.
- Support for Temple Avenue train diversion project construction coordination meeting with Pomona Valley Historical Society representative.
- Conclude pre-construction property condition survey for Brea Canyon Road grade separation project.
- Conduct ongoing business support program and community outreach activities for the Brea Canyon Road, Reservoir Street/East End Avenue, Ramona Boulevard and Temple Avenue projects.

II. Project Management Services

- Ongoing project coordination with involved agencies/jurisdictions/UPRR.
- Providing technical direction to B-K sub consultants.

TECHNICAL SCOPE

Right-of-Way Program and Technical Services

- Negotiations ongoing on one (1) Reservoir Street property, one (1) Temple Avenue train property and one (1) Ramona Boulevard property. Acquisition completed for two (2) Ramona Blvd. properties.
- Processing relocation assistance for two (2) businesses located at the Ramona Boulevard Grade Separation Project.
- Continued property management of one (1) East End Avenue property, six (6) Nogales Street properties, eleven (11) Reservoir Street properties and four (4) Ramona Boulevard properties.
- Offers to purchase packages for Brea Canyon Road and Sunset Ave. projects completed. Negotiations ongoing for all parcels.
- Provided support in obtaining easement rights needed for utility relocation on Nogales Street, Reservoir Street, East End Avenue and Ramona Boulevard projects. Resolution of Necessity for two (2) Sunset Ave. properties and four (4) Brea Canyon properties approved August 22, 2005. Litigation support ongoing.
- Processing the disposition of one (1) Nogales Street surplus property.
- Evaluated the potential inconvenience during construction activities to residents adjacent to Brea Canyon Road project.
- Responded to property owner inquiries regarding the ACE Project at Ramona Boulevard, East End Avenue, Nogales Street, Reservoir Street, Temple Avenue Train Diversion, Brea Canyon Road, and Sunset Avenue.
- Continued liaison with Caltrans Local Programs personnel.

Railroad and Shoo-fly Design

- Continued coordination with UPRR for the Brea Canyon and Sunset Avenue projects.

Surveying and Mapping Program

- Currently working the Plats and Legal descriptions for the required property at Ramona Grade Separation Project.
- Developing Plat Maps and legal descriptions for the required properties at Brea Canyon and Sunset Avenue project files.

NEXT PERIOD

Continue development of all scheduled activities.



Alameda Corridor-East Construction Authority

4900 Rivergrade Rd. Ste. A120 Irwindale, CA 91706 (626) 962-9292 fax (626) 962-3552 www.theaceproject.org

MEMO TO: ACE Construction Authority Board Members and Alternates

FROM: Rick Richmond
Chief Executive Officer

DATE: August 28, 2006

SUBJECT: Approval to Award Sunset Avenue Grade Separation Construction Contract to Atkinson Contractors, LP

RECOMMENDATION: Staff recommends that the Board authorize the award of a contract to Atkinson Contractors, LP (Atkinson) for construction of the Sunset Avenue grade separation project in an amount not to exceed \$41,938,421.50.

BACKGROUND: At its March 2005 meeting, the Board approved the Plans, Specifications and Estimates for the Sunset Avenue grade separation project. Subsequently, at its July 2005 meeting, the Board approved a design change to incorporate a grade separation of Orange Avenue as requested and funded by the City of Industry. At the September 2005 meeting, the Board approved the revised plans and specifications and authorized staff to solicit bids for the grade separation construction contract. That project bid in January, 2006. In February 2006, the Board approved staff's recommendation to reject all bids and re-bid the project with the use of a design alternative for retaining wall construction of either the T-wall system (as bid) or cast-in-place walls. In April 2006, the Board approved the revised plans and specifications and authorized staff to re-solicit bids for the construction of the grade separation project.

The revised Sunset Avenue grade separation will reconstruct the UPRR Alhambra Subdivision tracks as an overpass with two double-track railroad bridges (Sunset and Orange Avenues) with embankment and retaining walls, a drill track with modifications to industry spurs, a single-track shoofly during construction, and modifications to existing streets, private driveways, and utility relocations along the UPRR right-of-way.

On July 20, 2006, we received the following bids:

1. Atkinson Contractors, LP	\$41,938,421.50
2. SEMA Construction, Inc.	\$42,311,395.10
3. Yeager Skanska Inc.	\$42,650,251.00
4. Griffith Company	\$44,910,273.83
5. Steve P. Rados, Inc	\$45,678,773.80
6. Balfour Beatty Construction, Inc.	\$47,942,750.00

All bids were reviewed and determined to be accurate and official bid results were issued on July 28, 2006.

Low Bid Evaluation

Atkinson's bid appears to be complete and responsive. Atkinson's bid was 6.7% less than the engineer's estimate. Atkinson appears to be qualified to perform the work specified in the contract. The protest period elapsed on August 4, 2006.

In accordance with the revised federal Race Neutral Disadvantaged Business Enterprise (DBE) Program, there was a DBE Availability Advisory of 10% for this contract. In accordance with the Race Neutral program, Atkinson is not required to submit its anticipated DBE participation until contract award. Staff will provide a report on the participation at the next meeting.

Schedule:

Limited Notice to Proceed: October 2006 (approximate)
Completion: 1100 calendar days after NTP

BUDGET IMPACT: Funds for the anticipated costs are available from TEA-21, SAFETEA-LU, TCRP and MTA funds.



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Memo To: ACE Construction Authority Board Members & Alternates

From: Rick Richmond
Chief Executive Officer

Date: August 28, 2006

Subject: Proposed San Gabriel Valley Council of Governments (SGVCOG)
Bylaw Amendments

RECOMMENDATION: Staff recommends that the Board support the proposed SGVCOG bylaw amendments affecting the ACE Construction Authority.

BACKGROUND: The SGVCOG has been considering a number of changes to its bylaws over the past few months, some of which pertain to the ACE Construction Authority.

The proposed changes affecting ACE that have already been made are:

- the description of the duties of the SGVCOG Treasurer and Auditor has been expanded, including general oversight of the designation of the ACE personnel responsible for financial functions;
- establishment of a new SGVCOG Finance Committee which will oversee the annual ACE financial audit and, by inference, ACE financial matters; The members of the Finance Committee do not have to be elected officials;
- enumeration of the duties of the ACE Chief Executive Officer.

Under consideration at the SGVCOG's September meeting will be one further bylaw amendment pertaining to ACE. It enumerates the responsibilities of the ACE Construction Authority which are not addressed in the current bylaws. It does so by referencing the responsibilities already listed in the SGVCOG Joint Powers Agreement (designing, constructing, contracting, hiring employees, purchasing property, obtaining insurance, and related activities necessary to build the ACE Project), and adding other basic responsibilities for administering the agency. A copy of the proposed bylaw amendment is attached.

From ACE's perspective, the amended bylaws already adopted and those proposed do not materially affect the responsibilities or authorities of the ACE Board or staff. The increased emphasis on financial oversight in general will probably result in more active SGVCOG review of the ACE financial reporting.

Summary of Duties and Responsibilities of ACE Board

The following would be added to Article IX A:

"The responsibilities and duties of the ACE Construction Authority, subject to limitations of applicable law, the Agreement and these Bylaws, shall include:

1. All of the powers of the ACE Construction Authority provided in Section 27 of the Agreement, except as may be expressly delegated to others pursuant to the provisions of the Agreement, these Bylaws, or by the direction of the Governing Board.
2. Conducting the affairs of the ACE Construction Authority.
3. Appointing, fixing the compensation of and removing a Chief Executive Officer and conducting an annual performance review of the Chief Executive Officer.
4. Annually reviewing and approving a proposed budget and work plan submitted by the Chief Executive Officer.



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Memo To ACE Construction Authority Board Members & Alternates

From: Rick Richmond
Chief Executive Officer

Date: August 28, 2006

Subject: State Eminent Domain Ballot Measure (Proposition 90)

As you know, there will be a measure on the November ballot amending the portion of the California Constitution pertaining to the use of eminent domain (Proposition 90). The initiative tries to distinguish between the use of eminent domain for public use projects -- which would continue -- versus public purpose projects where property "... transfers to non-governmental owners on economic development or tax revenue enhancement grounds ..." which would not be allowed if the proposition passes. The proposition also includes a number of changes in the "mechanics" of how the eminent domain process would work. ✓

Staff is very confident that our past uses of eminent domain to implement the ACE Project have met the "public use" test proposed by Proposition 90 and will continue to do so should it pass. However, the procedural changes included in Proposition 90 can be expected to have significant impact on the time and/or cost of implementing the ACE Project.

The following provisions of Proposition 90 are liable to have the most impact on the ACE Project.

This analysis is being provided for informational purposes only.

1. Breadth of Coverage – While most people think of eminent domain in the context of full acquisition of parcels, the vast majority of our acquisitions are for property interests, such utility or construction easements or, in some cases, leases. To date, with seven grade separations in construction, we have identified the need to acquire 19 full parcels and 41 easements. The proposition makes no distinction between these different types of property acquisition, which have vastly different impacts on private property owners.
2. Disposition of Unused Property – The proposition requires any property acquired through eminent domain which is not needed for the public use be offered back to the prior owner at fair market value. This would presumably trump current state law which requires that we make excess property available for the specified

public uses of education, open space, recreation or affordable housing. Also, there will be practical problems in complying with this provision. A case in point is our excess property in the Nogales project. The property we are now in the process of selling was acquired as five separate parcels, one of which was acquired through eminent domain. Instead of disposing of a marketable consolidated parcel, potentially for a legislated public use, we would have been required to offer the property on a piecemeal basis, with little prospect of effective future use of the separate parcels.

3. Jury Trial to Establish Public Use – Currently a property owner can challenge whether a taking is subject to eminent domain in a hearing before a judge. The establishment of just compensation, if it goes to trial, is typically heard by a jury. The proposition adds the opportunity to contest the use of eminent domain before a jury, adding significant time and cost to the process.
4. Definition of Just Compensation – The proposition states that just compensation shall include "... all reasonable costs and expenses actually incurred...." Currently, property sellers' attorneys received a portion (typically 30-40%) of whatever proceeds are negotiated or adjudicated in an eminent domain case in excess of the agency's offer. This imposes discipline on the seller's and their attorney's side since their cost of prolonged and expensive negotiation/litigation will come out of the proceeds of the sale. With the proposition there will be little motivation for the seller or their attorney to seek timely or reasonable settlement, or control their costs, since juries will be encouraged to simply add incurred attorney fees and other expenses to whatever property value is established.
5. Effective Date – If passed, the proposition will apply to any eminent domain acquisition not finally adjudicated as of election day. Thus, these provisions will apply to now active cases, which number six, as well as future acquisitions where the onerous aspects of this proposition could be taken into account before deciding to pursue eminent domain. It is not possible to estimate our cost exposure on pending cases, but it clearly will run in the hundreds of thousands of dollars.

If you have any questions on the above, we would be happy to try to answer them.